

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

TRISHA WAKAT, *et al.*,

*Plaintiffs,*

v.

MONTGOMERY COUNTY, *et al.*,

*Defendants.*

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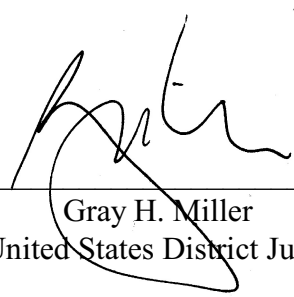
CIVIL ACTION H-05-0978

**ORDER**

On December 27, 2005, the plaintiffs filed their first amended complaint adding Tri-County Mental Health Mental Retardation as a party. Dkt. 24. However, the plaintiffs have failed to file proof of service within 120 days. *See* FED. R. CIV. P. 4(m) (plaintiffs shall serve defendants with a copy of the summons and the complaint within 120 days of the date of filing). In fact, despite the passage of over a year, the record indicates that no summons has ever been issued for Tri-County. Accordingly, the plaintiffs claims against Tri-County Mental Health Mental Retardation are DISMISSED without prejudice because plaintiffs failed to serve them in a timely manner as required by Rule 4(m).

It is so ORDERED.

Signed at Houston, Texas on January 4, 2007.

  
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Gray H. Miller  
United States District Judge